

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------------|---|----------------------|
| JUSTIN OLIVER, |) | |
| |) | |
| Plaintiff, |) | 8:14CV62 |
| |) | |
| v. |) | |
| |) | |
| OMAHA POLICE DEPARTMENT and |) | MEMORANDUM AND ORDER |
| AARON GURZICK, ser no. 1884, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the Court on correspondence from plaintiff dated April 30, 2014 (Filing No. [13](#).) Plaintiff states that he has "no financial income or outside support" and asks for a "payment arrangement" for payment of the Court's filing fee.

Under the Prison Litigation Reform Act, an indigent inmate who files a lawsuit in federal court must pay the \$350.00 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the Court in installments. The method for collecting the filing fee from a prisoner is specifically provided for in [28 U.S.C. § 1915\(b\)](#). Section 1915(b) is written in mandatory terms ("shall"), leaving no discretion to the district court to waive an in forma pauperis prisoner's filing fee.

In this case, plaintiff was granted leave to proceed in forma pauperis on April 16, 2014, and the Court assessed an

initial partial filing fee in the amount of \$1.40 to be paid by May 12, 2014 (Filing No. [12](#)). To date, plaintiff has not paid the initial partial filing fee. On the Court's own motion, plaintiff will be given 30 days from the date of this memorandum and order in which to pay the initial partial filing fee. If the Court does not receive payment within 30 days, this case will be dismissed.

IT IS ORDERED:

1. Plaintiff shall have an extension of time, until 30 days from the date of this memorandum and order, in which to pay an initial partial filing fee in the amount of \$1.40. Failure to pay the initial partial filing fee within 30 days will result in dismissal of this case without further notice.

2. The clerk's office is directed to set a pro se case management deadline in this case using the following text:
July 7, 2014: Deadline for plaintiff to pay initial partial filing fee.

DATED this 5th day of June, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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